
DELIBERATIVE AGENDA
SPECIAL CITY COUNCIL WORKSESSION
MONDAY, NOVEMBER 18, 2013
CONFERENCE ROOM 12, CITY HALL
6:00 P.M. – 7:00 P.M.

PRESENT: City Council President Shannon, Councilors Bushor, Worden, Brennan, Siegel, Aubin, Mason, Blais, Ayres and Decelles; Councilor Tracy (arrived at 6:05 p.m.); Councilor Paul (arrived at 6:30 p.m.); CAO Rusten; ACAO Schrader and HR Director Leonard. Mayor Weinberger and Mike Kanarick arrived at 6:45 p.m.

ABSENT: Councilors Hartnett and Knodell

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA
2. DISCUSSION: Bob Rusten, CAO, re: Self-insurance (oral)
 - 2.01. COMMUNICATION: Bob Rusten, Chief Administrative Officer, Susan Leonard, Human Resource Director & Scott Schrader, ACAO for Administration, re: Initial discussion of City of Burlington's Medical Self-Insurance
3. ADJOURNMENT

On a motion by Councilors Bushor and Mason the Special City Council Work session unanimously adjourned at 7:15 p.m.

Attest:

 
Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary

ADJOURNED MEETING, CITY COUNCIL
MONDAY, NOVEMBER 18, 2013
CONTOIS AUDITORIUM, CITY HALL
7:21 P.M.

PRESENT: City Council President Shannon, Councilors Bushor, Worden, Tracy, Brennan, Siegel, Aubin, Hartnett, Mason, Blais, Paul, Ayres and Decelles

ABSENT: Councilor Knodell

CITY ATTORNEY'S OFFICE: Eileen Blackwood

CLERK/TREASURER'S OFFICE: Bob Rusten, Rich Goodwin, Scott Schrader and Lori Olberg

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

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On a motion by Councilors Mason and Bushor the agenda was unanimously adopted as follows: note updated sponsorship for agenda item 2. RESOLUTION: Honoring Burlington Youth Football Program (Full City Council).

2. RESOLUTION: Honoring Burlington Youth Football Program (Full City Council)

Councilors Hartnett and Decelles made a motion to waive the reading and adopt the resolution.

Mayor Weinberger read the resolution aloud.

The motion passed unanimously.

Coach Kevin Garrison, Burlington Youth Football Program, thanked the Council and Councilor Hartnett for their support. Their culture and diversity in Burlington is unmatched by any other town. They turned the challenges that they have a team into a positive outcome. The kids gave 110% all season and represented the community. He was proud that they were able to accomplish what they did.

Coach Jack Detore, Burlington Youth Football Program, thanked the Mayor and Council for inviting them. It is an honor to be recognized. He thanked Councilor Hartnett for his support. This program was being recognized as helping youth at all levels of diversity. They have done a great job. He presented the Mayor with a hat and t-shirt.

Councilor Hartnett stated that what was happening here was much more than football. The coaches were role models and gave them a commitment beyond Saturday mornings. The Garrison house often has kids spending the night to get them ready for the game and making sure they have breakfast and a ride to the game. The success was more than wins and losses and was about what they have done as a community. This made inroads to diversity in the City. A strong youth athletic program was crucial to the diversity of the City. Athletics brings everyone together beyond their color, salary or where they live. He thanked everyone who has been involved.

Councilor Bushor requested that they give a signed copy of the adopted resolution to each coach and player. Mayor Weinberger stated that they would be happy to.

3. REPORT: Peg Boyle Single, Chair, Library Commission, re: Fletcher Free Library November, 2013 Commissioners' and Trustees' Report

Peg Boyle Single, Library Commission Chair, stated that at the time the Fletcher Free Library opened in 1875, getting your hands on a book could be life changing. It was the first time that a person could have a book in their home without being a member of a society or a church. The Library continues to be life changing today. If you have to apply for a job online but do not have a computer, you can go to the library and get help doing it. There were 42,000 log-ons last year. They have classes for computer skills and English. They have the fastest bandwidth in the region for high speed state of the art video. It is a safe place to have conversations about race, LGBT issues and Islam. It is the hub of the community. They are making strong partnerships with the Partnership for Change and Albany College. The Library Director has developed strong relationships with the staff. One staff member commented that they are happier than they have ever been working at the Library. Funds were tight at the Library when it opened in 1875, as they are now. When they opened, they received grants for \$20,000 and \$11,000. Adjusted for inflation, this is half a million dollars to buy books and open the library. They are doing all that they can and are starting an aggressive development fund. They will be looking for ways to support programs going into the library. As a citizen, she is seeing great things happening in the City. The Library is hitting a wall, and she suggested that it is time to start thinking about revenues. For the Library and Burlington to meet its

full potential, they need to think about investing and get the best return that they can. She thanked them for their support of the Library.

Councilor Bushor stated that she always looks forward to this report because it is upbeat and highlights what they do in the community. She inquired if the numbers increased for the summer reading program. Rubi Simon, Library Director, stated she believes there was an increase. There were between 1,400-1,700 children that registered for the program. Councilor Bushor inquired if people have been taking advantage of the tutoring services and the partnership with Albany College. Ms. Simon stated it is currently a drop-in program because they want to ensure they can fill the slots. It is free and the Albany College of Pharmacy gets a grant to pay work study students to come in and provide tutoring. Councilor Bushor inquired how students in the community are made aware of this service. Mr. Simon stated their youth services librarian does outreach to the grade schools. The tutors provide coverage mainly for students in grades 1 through 6. She has partnerships with teachers to make sure they are aware of it and includes information in newsletters. Councilor Bushor inquired if school guidance counselors are aware of it so they can identify students that may need additional help. Ms. Simon stated she is unsure of the specifics of how they communicate with the schools. They should look into making sure they are strategically looking at placing these services with the right people. Councilor Bushor stated there is a need and she hopes that students in need can take advantage of it.

Councilor Brennan stated he appreciates the work that they are doing with the youth. When he was on the School Board, there were preliminary talks about the high school working with the library for an annex. That would be a good idea. They have expanded in the New North End and bringing seniors in with youth after high school is out is a great idea. He feels that bringing the community together would be a positive change. Ms. Simon stated the high school age group is a critical part of their population and they are looking at ways to keep them connected and ensuring they receive the services that they need. She feels the library is lacking in teen services. They do not have a teen service librarian and feels they would benefit from having that position. They have current staffing that is not at the levels to help sustain that.

Councilors Worden and Ayres made a motion to waive the reading, accept the report and place it on file. The motion passed unanimously.

4. REPORT: James T. Strouse, Chairman, Burlington Employees' Retirement System,
City Council Report for June 2013

Bob Hooper, Retirement Board Vice-Chair, stated he will entertain any questions. Since the report was written, Matt Dow and John Frederico have joined the board as well as the new CAO. He noted that members of the Board have expressed interest in attending trainings and attending VPIC meetings.

Councilor Bushor stated that there was a discussion about VPIC performance over the past five years and a series of meetings. The report stated that in May there was discussion about the performance versus the hypothetical performance. The Board decided to monitor the comparative performance over both an up and down cycle in the market before making a decision. She inquired where they were at with that. Mr. Hooper stated VPIC has taken a strategy to decrease the leverage to risk in equity so that when the market hits a down cycle, the losses are not as significant. They have not experienced a significant down cycle yet to see if the representations have proven to be accurate. The hypothesis was that it was easier to not make as much money on the upside when they do not lose as much on the downside. They were still evaluating this. Councilor Bushor inquired if they cannot project how long they will be monitoring this for because they need to wait until they have enough down and up cycles to make comparisons. Mr. Hooper stated that is correct.

Councilor Mason inquired when they entered into a contract with VPIC and how long the contract lasts. Mr. Hooper stated that the contract was on a year to year basis. It was initially for a set period of time

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right as the market took a dive. The returns for the Burlington fund have been skewed to the negative because of the market trend. There are conversations with the Burlington Board's advisor on whether or not the VPIC fund could be duplicated in house to provide better results. So far they have heard that VPIC enjoys economies of scale because they are investing larger amounts of money could not be duplicated. He has not yet seen numbers that cause him to believe it was a good thing to do. Councilor Mason inquired what the date of the contract was. Mr. Hooper stated that he believed it was in line with the fiscal year.

Councilors Paul and Mason made a motion to waive the reading, accept the report and place it on the file. The motion passed unanimously.

5. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:33 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Ian Galbraith	Ward 2 Resident	Opposed to Gun Ordinances
Martha Lang	Ward 1 Resident	St. Joseph's School
Ron Ruloff	Ward 3 Resident	Opposed to Animals in Distress and Gun Ordinances
Mike McGarghan	Ward 7 Resident	Opposed to Gun Charter Changes

There being no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 7:43 p.m.

6. CONSENT AGENDA

On a motion by Councilors Bushor and Decelles the consent agenda was unanimously adopted thus taking the following actions as indicated. Councilor Mason stated his firm represents the developer pertaining to consent agenda item 6.17.; he will recuse himself because of a conflict of interest.

6.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re:
Accountability List

*waive the reading, accept the communication and place it on file

6.02. RESOLUTION: Authorization to Purchase Police Vehicles Using Impact Fees
(Councilors Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

6.03. COMMUNICATION: Lise E. Veronneau, Business Administrator, Burlington Fire & Police
Departments to the Board of Finance and the City Council, re: FY 14
Vehicle Purchase – Use of Impact Fees

*waive the reading, accept the communication and place it on file

6.04. RESOLUTION: Prepayment of 1999 Urban Reserve Certificates of Participation (COPs)
(Councilors Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

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6.05. RESOLUTION: 41 Cherry Street, LLC: Amendments to Ground Lease and Notice of Lease (Councilors Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

6.06. COMMUNICATION: Richard Haesler, Assistant City Attorney, re: 41 Cherry Street – Ground Lease Amendment #3; et al

*waive the reading, accept the communication and place it on file

6.07. RESOLUTION: Authorize Amendments to Master Services Agreement Between Burlington Telecom and VTEL (Councilors Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

6.08. COMMUNICATION: Martha R. Lang, Ph.D., re: St. Joseph School

*waive the reading, accept the communication, place it on file and send a copy to School Superintendent Jeanne Collins

6.09. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, July 15, 2013, Draft

*waive the reading, accept the communication, place it on file and adopt the minutes at the December 9, 2013 City Council Meeting

6.10. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, August 12, 2013, Draft

*waive the reading, accept the communication, place it on file and adopt the minutes at the December 9, 2013 City Council Meeting

6.11. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, September 9, 2013, Draft

*waive the reading, accept the communication, place it on file and adopt the minutes at the December 9, 2013 City Council Meeting

6.12. COMMUNICATION: Thomas Gustafson, Vice President for University Relations & Administration, The University of Vermont, re: City of Burlington and University of Vermont Memorandum of Agreement Re: 2009 Zoning Amendments

*waive the reading, accept the communication, place it on file and refer it to the Institutions/Human Resources Committee with a report due back at the February 10, 2014 City Council Meeting as to whether UVM is meeting the goals of the agreement and an assessment as to whether UVM is holding students accountable for off-campus behavior, and trends in neighborhoods as they relate to UVM housing issues

6.13. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance Minutes, October 15, 2013

*waive the reading, accept the communication and place it on file

6.14. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance Minutes, October 21, 2013

*waive the reading, accept the communication and place it on file

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6.15. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance Minutes, October 28, 2013

*waive the reading, accept the communication and place it on file

6.16. RESOLUTION: Authorization to Enter Agreement to Waive Excavation Fees
(Councilors Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

6.17. COMMUNICATION: Norman Baldwin, P.E., City Engineer/Assistant Director-Technical Services, DPW, re: Request special consideration to repave St. Paul Street between King and Maple in lieu of Excavation Fees

*waive the reading, accept the communication and place it on file

7. COMMUNICATION: Chapin Spencer, Director, DPW, re: Downtown Parking Improvement Initiative (15 mins.)

Chapin Spencer, DPW Director, stated that they have brought a proposed resolution to launch the Downtown Parking Improvement Initiative. They have worked with the BBA, CEDO, the Police Department, the RPC and others. The Mission of this initiative was to listen, learn, and experiment together to propose new ways to manage, operate and maintain downtown parking infrastructure. They want to maintain a vibrant Burlington and the parking system is a key piece of that. They have four main outcomes. The first is to educate, inform and listen. They will be hearing from residents, the business community, and shoppers to hear what is working and what is not. They will listen to ideas they have to improve. The second is to assess the City's infrastructure. They have two aging garages and they will need to plan for the future. They will need to understand their lifespan and future capital needs. Third, they will implement pilot programs to explore new ways of managing parking. They will look at demand based pricing, extending the hours of enforcement, and new technologies. Finally, they will create a parking management system that will look at public and private systems and hopefully bring them together for the customer to enjoy.

Kelly Devine, Burlington Business Association Executive Director, thanked Councilors for attending the parking summit. They recorded the event and received a grant so they were able to bring in a high caliber keynote speaker. They had over 140 people attend the event and 95 participated in an interactive listen and learn session. That information will all be available online. They will be talking to a number of stakeholder groups. This will be more of a parking and transportation effort, but the focus in step 1 is parking improvements. They first hope to improve the customer experience. They know that more than half of the people that come from within Burlington or Chittenden County. Their first experience when they come downtown is with the parking system. They want a safer and cleaner system and to add signage to help people make their way to parking. They want to make it easier to pay and accept all modes of payment. They mostly accept coins right now, which is difficult for those who arrive without that form of payment. They want to reduce violations because that is not a positive experience for people. They want to have parking at a variety of price points to make it affordable for all visitors. The goal is to have 85% occupancy at all locations. That would mean there would always be a spot available for every person's budget balanced against how much they value convenience. They would also like to reduce congestion on downtown streets. National averages showed that 1/3-1/2 of congestion on downtown streets came from people driving around looking for parking. There is also a positive climate impact. Estimates are that 30% of emissions in a downtown are because of cars driving around looking for convenient, inexpensive parking. They will benefit the community by saving the parking infrastructure. The garages are in serious need of repair and improvement. They will also support their traffic fund which takes care of streets, traffic signals, crossing guards, and cross walks. They will work to coordinate the efforts between residential parking needs and the downtown parking needs to make sure there is a collaborative approach.

Nate Wildfire, CEDO Assistant Director, stated that planBTV acutely addresses the need for better parking management. They ought to be moving towards a more comprehensive plan. They have a tremendous amount of underutilized capacity. At peak times, 35% of downtown spaces are vacant. That is hard to believe, but it is true. Some of those are street spaces and public garage spaces, but a lot of those are private garage spaces. Because there is no comprehensive plan, there is no incentive for the private owners to work with the public sector to create a seamless experience for a customer. Visitors do not really care if the space is public or private, they just want to park. That is the first impression of Burlington for many visitors. Comprehensive parking management has five themes. The first is user experience, which is the customers experience and whether it is positive or negative. The second and third themes are demand and supply. Right now they do not operate the parking system with any attention to market based demands or supplies. The fourth is the location where parking is available and where people are trying to go. They need to direct people to different locations so it is an easy experience. Signage is not so good. The last is theme is time and pricing; time limits and pricing influence parking behaviors. Having both Public Works and the BBA involved represents the public/private partnership that will be necessary for any parking management system. In most cities at least 50-60% of parking spaces need to participate to make a management system effective. They need the private sector. Private sector employers, business people and non-profit sectors who come downtown know their customers best. Their input will be critical to making sure their needs are met. They also need information from all corners. They will include the CCRPC, CATMA, the transit system, Local Motion and others.

Councilor Bushor stated that she supports this initiative but is concerned about the reference that was made to expanding the hours of enforcement. She knows that people are thoughtful and everyone wants Burlington to thrive. She is concerned about increased fees, elimination of 2 hours of free parking and expansion of hours. Expansion of hours would be detrimental to those attending downtown events, especially because parking meters limit the amount of time. When contemplating increase of fees or eliminating two hours of parking, they need to remember that they are struggling to bring people to local stores in the downtowns because people are shopping online. She is concerned about moving in a direction that is harmful. She works at Fletcher Allen and the people she works with feel that the 2 hours of free parking are in incentive. She is concerned about the changes and wants them to be very thoughtful. She understands the need for money but hopes that they will get enough feedback from the users through this process. She is glad to hear they are broadening the scope of people involved in the conversation. This process does need to unfold and be explored.

Councilor Hartnett stated that they need to do a better job identifying private parking lots downtown as private. He has had people looking for their cars that have been towed. There are some signs, but at night they are not well lit. Many people come for the first time and their car ends up being towed to another town and are unable to get it until the next day. That is a bad impression for a first time visitor to Burlington. He inquired if there is anything that they can do in the short term with their private partners to make that a better situation. Ms. Devine stated that she has been talking about signage for a long time. There is a comprehensive way finding system that will be in place in the spring. She could have a conversation with people about that. When someone comes downtown, the worst case scenario is that their car gets towed, and the second worst is getting a parking ticket. She thinks it is a good idea. Because there are so many private operators, there is no uniformity between the experiences. It is confusing and she would like to do what they can to improve it.

Councilor Paul stated that she thought the parking summit was excellent. It was interesting because there were a lot of different stakeholder groups represented. There are not going to be any draconian changes to the parking system. The idea is to educate and inform. The speaker was great and had great ideas, but a number of them were pretty dramatic and would upset people if they came as a surprise. If they were to extend meters into evening hours, they would do it on a pilot basis and then evaluate their successes. They mentioned that the 2 hours of free parking is a tremendous advantage, but it is very costly. 70% of people who park in the garages use the 2 hours of free parking and do not stay longer. Even with the Downtown

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Improvement District they are not breaking even while they have two garages that are 40 years old. She inquired if they have thought through what they may do for a pilot and when that may happen.

Ms. Devine stated one piece of advice they got was that if a pilot is not working it should be pulled. They will begin doing pilots. They will also be working on a parking management plan, and the pilots will help inform them. The Downtown Improvement District was created through a charter change, so there is language that directly affects the 2 hour free parking program. It is specific that the Downtown Improvement District money should be used for a parking program with 2 hours of free parking. That language limits them. They have not considered getting rid of that program. Mr. Spencer stated they have not decided which pilots they will choose. The resolution tonight will create the advisory committee who will review the options and make recommendations. They are in the very early stages. There is great interest in beginning them as soon as they can. He estimates they will begin in February or March.

Ms. Devine stated they are focusing energy and money on education and outreach to talk to people in advance of pilots. Mr. Wildfire stated the pilot projects will be both public and private. It will not work if it is just the public sector.

Councilor Worden stated that he attended the parking summit and it was well attended and organized. He will support this. The reason people come to Burlington is not because there is an available parking space but for the experience downtown. No matter how people come downtown they end up at their final destination by walking. He is glad they are targeting the circle pattern of people looking for a space. He has heard increased concerns about pedestrian safety. It is something that they need to look at on a parallel track. He believes this will result in a great program.

Councilor Siegel stated that they were talking about graded costs for meters to balance affordability and convenience. It sounded like the undercurrent was that people with more money can choose affordability over convenience, but people with less money will not have the choice.

Councilor Brennan stated that he is concerned about the cause and effect that changes downtown would have on residential areas. Not all streets have residential parking and he is concerned that they may be solving a problem in one place but creating another problem somewhere else. Mr. Spencer stated that they are aware of the potential for that and know that there is a relationship between the downtown and neighborhood parking systems. They have secured money to do a concurrent residential parking study so they can plan accordingly. The residential parking program has not changed much in 30 years and it will be an opportunity to see how they can manage parking better than they do today. They will play off each other.

Mayor Weinberger stated that he feels that they had a good conversation at the parking summit and encouraged people to watch it before they begin moving forward with their pilot programs. The speaker made parking funny and interesting. The overarching thing that comes through in that presentation is that it really impacts the quality of life in the City. Their parking system is driving up the cost of living. They heard that every additional parking space added to a housing unit increases the cost of the unit 15-30% and reduces the number of homes that can be built. The system is not optimally serving the businesses or cultural institutions. It is also not a system that works well for residents and visitors. The only way to get through this is by engaging the details in policies and relationships.

Councilors Tracy and Decelles made a motion to waive the reading, accept the communication and place it on file.

7.01. RESOLUTION: Launching the Downtown Parking Improvement Initiative
(Councilors Tracy, Ayres, Mason: Transportation, Energy &
Utilities Committee)

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Councilors Tracy and Decelles made a motion to waive the reading and adopt the resolution with an amendment to line 99 to state that the City Council President will appoint a member of the City Council to the committee.

Councilor Tracy stated that it has been amazing to see the collaboration that has happened on this issue. The resolution will have four different phases. First they will facilitate public dialogue. Second they will assess parking needs, which will be done by the end of 2014. This will give enough time to do a comprehensive and intentional analysis. Parking is an emotional topic and people have had strong reactions and have already raised valid concerns even though nothing has been proposed. Once they receive the results of the assessment, they will develop a plan by March of 2015. The plan will include involvement from businesses, stakeholders, and the City. There will be a working group that will speak to the staff side of things. They will also create an advisory committee with business owners, downtown residents, representatives from different cultural organizations, a City Councilor and a member of the Regional Planning Commission. They will receive feedback from that group to inform their decisions.

Councilor Bushor stated that she hopes that the downtown residents selected by the Mayor are not business owners and do not live side by side. She feels they will be better served by having that diversity.

The motion to adopt the resolution as amended passed unanimously.

8. RESOLUTION: Adoption of Proposal for \$500,000 Fund Adjustment (Councilors Aubin, Knodell: Board of Finance)

Councilors Aubin and Paul made a motion to waive the reading and adopt the resolution.

Councilor Aubin stated that when they adopted the FY14 budget, part of it was that they would need to seek out \$500,000 of savings within the general fund. This resolution authorizes the savings from the general fund as outlined in the memo from the CAO. Part of this savings does come from the Council budget. It lowers their yearly reimbursement from \$5,000 per Councilor to \$3,000 per Councilor for one year only. He supports this because it is only for one year. He was impressed to see what they found in the budget. This is a good sign that they are streamlining that budget to find savings for taxpayers while still providing services.

Councilor Bushor stated that she did not support this. She did not have a sense of whether or not the Council would be supportive of giving up some of their funds. She has been on the Council for a long time and is sensitive to having some Councilors decide how their money should be spent without consulting all of them. The other item that concerned her was the parking fees. It is only \$25,000, but she is unsure how they will generate that. The final item that concerned her was the Health Insurance Contribution. She was supportive of about \$400,000 of this, but not the remainder of it. She did not want to saddle the Administration with something that she was unwilling to partner with them to make happen. Certainly they want to bridge this gap, but she wants to be careful about it.

CAO Rusten stated that the goal was to come up with cost savings that they believed would be real without creating any hardships or negatively impacting services. They believe this proposal achieves that goal. They have identified \$477,000 in decreased expenses and increased revenues, but will continue to look for additional savings throughout the fiscal year. They believe there are some things that they can easily do to make changes to health insurance. They believe that they can bid pharmaceutical drugs out to reduce costs. They currently pay Blue Cross Blue Shield for their stop loss insurance, but they could potentially bid that out and get a better price. They are pretty confident that they can come up with \$40,000 without changing the fundamental aspects of their health insurance system. They are also hoping that the Council will return with some changes to the system that could be implemented. There is a \$28,000 reduction in Councilor reimbursement. This is a one-time change and the funds will be restored

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in FY15. The remaining funds are still more than has been spent in the past few years for reimbursement. They feel this is a reasonable amount. They believe that if new revenue is implemented in FY14, it would be possible to come up with \$25,000 without impacting the long term implications for parking management and dealing with deferred maintenance on the parking garages. If there is no plan to address revenues in FY14, those funds will not exist and they will have to come up with another plan.

Councilor Bushor stated based on the responses she just heard she will support the resolution.

The motion passed unanimously.

8.01. COMMUNICATION: Bob Rusten, Chief Administrative Officer, re: Proposal that Identifies approximately \$500,000 in General Fund reduced expenditures and increased revenues to achieve FY 2014 General Fund budget goal

Councilors Aubin and Mason made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

9. RESOLUTION: March 4, 2014 Annual City Meeting –Proposed Charter Change Re Ban on Firearms in Any Establishment with a Liquor License (Charter Change Committee)

Councilors Siegel and Tracy made a motion to waive the reading and adopt the resolution.

Councilor Siegel stated that this is a final vote to approve the ballot language for this item, which will appear on the March ballot. If approved by the voters, it would be sent to the Legislature. If approved, it would establish a ban on having firearms in establishments with a liquor license. There are some exceptions for those who are required to carry firearms for their jobs.

Councilor Bushor inquired if it is mandatory that the penalty be a criminal offense. City Attorney Blackwood stated that is the Council's choice. Councilor Bushor stated that she does not agree with doing that. She does not understand how it would be implemented if it passes the Legislature. Someone coming into Burlington would not know that it is illegal to bring a firearm into an establishment. City Council President Shannon inquired if there would be an ordinance paired with the charter change to work out the details. City Attorney Blackwood stated that this does not contemplate that there would be anything further. There is an issue about informing people about every ordinance that is passed.

Councilor Blais stated that all three charter changes have provisions for the City to seek a civil offense or a criminal offense. The City Attorney would be able to look at other cases to determine which would be appropriate. Councilor Bushor stated that the resolution reads that any violation shall be considered a criminal offense. Councilor Blais stated that the next clause states that any violation shall be considered a civil offense. That is similar to many other ordinances that allow the City Attorney to bring civil or criminal action. City Attorney Blackwood stated that is correct. Councilor Bushor stated that in other ordinances there are often tiers where the first offense is civil and the second or third would be criminal. It does not seem to her that there is a choice.

Councilor Siegel stated that her understanding was that it would be a choice between criminal or civil violations. She understands how the language is confusing and requested clarification from the City Attorney. City Attorney Blackwood stated that generally there is prosecutorial discretion. A violation could be a criminal or civil violation. The individual prosecuting this will decide which they would like to use. City Council President Shannon inquired if it is possible to charge someone with both a criminal and civil charge for the same violation. City Attorney Blackwood stated they can. City Council President

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Shannon stated that is how she reads this. City Attorney Blackwood stated the choice is implied. Councilor Siegel inquired if there is a way to amend this so that it is more obvious that there is a choice. City Attorney Blackwood suggested changing the word "shall" to "may."

Councilors Siegel and Bushor made a motion to amend the resolution to change the words "shall" to "may" on lines 48 and 39. The motion passed by a vote of 12-1 with Councilor Brennan voting against.

Councilor Bushor requested clarification about the rollout of this charter change. City Attorney Blackwood stated that this is somewhat unusual because there is a State Law that says that no City Charter can do this. They are asking the Legislature to overturn that. In doing so, the Legislature could also give the City the authority to pass an ordinance. Otherwise, they do not have that authority. A rollout will have to be consistent with what is here in the Charter language. They can put up signs. City Council President Shannon inquired if they can require signs. City Attorney Blackwood stated that they could require signs.

Councilor Decelles stated that he does not want people driving into Burlington and seeing signs that they cannot carry a firearm. People will wonder why they are posting them. He inquired if the Legislature could give them language for an ordinance. The ordinance would have similar penalties laid out in it. He inquired why that is different than what they are asking them to do. City Attorney Blackwood stated that they are looking to have the voters decide if they want this regulation in Burlington and then it will go to the Legislature. It requires a change in State Law for there to be any regulation. The Legislature has the authority to change what the voters approved and can add or subtract things. Councilor Decelles stated that she mentioned that they could give them an ordinance that would be different than a charter change. City Attorney Blackwood stated that they could give the City the authority to enact an ordinance. They could not enact an ordinance for them.

The motion passed by a vote of 12-1 with Councilor Decelles voting against.

10. RESOLUTION: March 4, 2014 Annual City Meeting – Proposed Charter Change Re Police Seizure of Firearms During Domestic Abuse Incident (Charter Change Committee)

Councilors Siegel and Brennan made a motion to waive the reading and adopt the resolution with an amendment to change the word "shall" to "may" on lines 39 and 48.

Councilor Siegel stated that this issue was brought forward by the Police Chief. There are situations where officers are called to situations with violence in the home but charges are not pressed and the Police have to leave. There are times when they leave but have seen a firearm in the home. They leave a situation that may be abusive, but they have no way to remove the weapons from the hands of the abuser. This will give them the opportunity to seize weapons when there is probable cause.

Councilor Bushor stated that one clause of the resolution seems to be in conflict with another clause. Councilor Worden clarified that he reads that an appeal must be made within 30 days and the weapon must be returned within 5 days of the appeal. Councilor Bushor stated that she does not feel that it reads very well. City Attorney Blackwood stated that the thinking was that if the weapon was not seized at the time of the incident, the Police could still seek forfeiture of the weapon as a penalty for the violation later. City Council President Shannon inquired if the violation is failing to forfeit the weapon when the Police ask to seize it. City Attorney Blackwood stated that is the thinking. Councilor Bushor stated that if the Police come to a house and the abuser has a gun that is not the violation. They will take the weapon and return it within 5 days if return is requested. It is unclear to her what a violation is. She would like to support this, but would like more clarity. Councilor Siegel stated that if an officer comes to a house and there is probable cause that there is abuse and the abuser has a weapon but the victim does not press

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charges, they can take the weapon. If there is a violation of allowing that to happen, such as the person obstructing the Police from taking the weapon, penalties come into play. There is no civil or criminal offense for just having the gun. It is only an offense if there is a violation.

Councilor Mason stated that the difficulty with that analysis is that there is nothing obligating them to turn over their weapon.

The Council took a 5 minute recess.

Councilors Siegel and Tracy made a motion to refer this to the Charter Change Committee with a report back date of December 16.

Councilor Brennan stated that he attended some of the Charter Change Committee Meetings and he advocated for one year imprisonment. He suggested that could be on the table.

Councilor Ayres stated that he is concerned because they have a timetable that they have to follow to bring this to the Legislature. December 16 is the absolute last date to stay on that schedule. City Attorney Blackwood stated that date is within the schedule. City Council President Shannon inquired if their evening meeting would be too late. City Attorney Blackwood stated that it is the last scheduled meeting that would allow them time to get out public hearing notices before this appears on the ballot in March.

The motion to refer the resolution to the Charter Change Committee passed unanimously.

11. RESOLUTION: March 4, 2014 Annual City Meeting – Proposed Charter Change Re Safe Storage of Firearms (Charter Change Committee)

Councilors Siegel and Brennan made a motion to waive the reading and adopt the resolution with the amendment to change the word “shall” to “may” on lines 34 and 37.

Councilor Siegel stated that this charter change, if approved, would require people to have their firearms in a safe storage box or with a trigger lock if they are not on the person. This was brought forward to deal with the number of accidents that happen when youth play with guns. It will also make it harder for someone with a mental illness to get a hold of someone else’s weapon.

The motion passed by a vote of 12-2 with Councilors Decelles and Hartnett voting against.

12. ORDINANCE: ANIMALS AND FOWL—Confinement of animals in vehicles (Councilors Mason, Blais, Paul, Shannon, Bushor, Tracy, Knodell, Ayres, Worden & Siegel)(1st reading—proposed action: consider this 1st reading and refer it to the Ordinance Committee)

Councilors Mason and Ayres made a motion to consider this first reading and refer this to the Ordinance Committee.

Councilor Mason stated that this was put forth by the Police Department to cover a gap in animals in vehicles. Currently all they have is a citation for cruelty. This mirrors State Statute and would provide them a tool to deal with an animal stuck in a vehicle.

Councilor Tracy inquired what happens to the car if a window is broken to free an animal. He wondered if the car would be left unattended. Councilor Mason stated that he will find out the answer.

The motion passed unanimously.

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- 12.01. COMMUNICATION: Whitney Bierschenk, Hospital Manager, BEVS, re: Support for Vermont Statute Title 13 §386. Confinement of animals in vehicles

Councilors Mason and Ayres made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

- 12.02. COMMUNICATION: Nancy Cathcart, President & CEO, Humane Society of Chittenden County, re: Support of a proposed city ordinance that matched Vermont Statute Title 13 §386.

Councilors Mason and Ayres made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

13. COMMITTEE REPORTS (5 mins.)

Councilor Worden stated that the Community Development and Neighborhood Revitalization Committee met. There is a proposal for a plan coming from the State Housing Department to promote development in downtown areas to reduce the pressure on development in suburbs. This focuses on residential neighborhoods within a half mile walking distance of downtown. It enables developers to take advantage of certain benefits that the State may offer such as reduced permit costs. It will return to the Committee at a future date. They also continued discussing neighborhood revitalization. The first area that they will be focusing on is parking in general. There are many parking ordinances that are being considered right now and they will discuss how they may affect quality of life in neighborhoods.

Councilor Paul stated that the Parks, Arts and Culture Committee will not be meeting in November because the respondents to the PIAP RFP will be presenting. There are 9 proposals and the Council will be voting on which of the proposals will receive TIF funding.

Councilor Brennan stated that the Tax Abatement Committee will be meeting.

Councilor Siegel stated that the Charter Change Committee will be meeting to discuss Redistricting. They are finalizing the lines of the Wards and Districts, the terms of office, and language for the Voter Registration Board and the School Board. City Council President Shannon stated that it is particularly important that Councilors pay attention to the Redistricting work. It would be better for the Charter Change Committee to know people's opinions before they bring a proposal forward to the Council.

14. COMMUNICATION: City Councilors, re: General City Affairs (oral)(10 mins.)

Councilor Paul stated that they have heard the announcement that Barbara Grimes will be retiring. It is a bittersweet moment since she will have more time to spend with her children, but Burlington will be losing a tremendous leader. When she was hired as General Manager, she inherited many challenges. As an Electric Commissioner, she was one of the people who voted to hire her. She has done a lot for the City and to give women a voice in a traditionally male dominated industry. At the time she came to Burlington Electric, there were no women in management and leadership positions in Vermont utilities. That landscape has changed tremendously in part because of Barbara's work. She has done an amazing job to foster an environment where women can succeed and thrive. She is the first woman to be the President of the Northeast Public Power Association. She will work with whoever will replace her to help them succeed.

Councilor Bushor stated that in Ward 1 there is a large development of about 237 units being proposed on Grove Street. This is where Ireland Construction is. It is exciting and there will be an affordability

component. It is slated for only 1 and 2 bedroom units which does not provide options for families. They have always tried to support families in Burlington and she finds it sad that there is no component of 3 bedroom units. They need to be thoughtful when they work with developers so that they do not preclude families.

Councilor Siegel stated that she wanted to express some of the issues that came up after Wayne Brunette was shot and killed. She has not been able to reach out to Chief Schirling and Mayor Weinberger. The Police Chief stated that this was the first time an officer discharged a firearm since 1997, but on July 29, 2012, rubber bullets were discharged. They are referred to as non-lethal bullets, but the fact is they can and have killed. She finds it insulting to the people who were shot by Burlington Police Officers. The Mayor made some kind expressions of condolences to the family and to the officers suffering from the trauma. To say that in the same breath lessened the condolences to the family to her. She eagerly awaits the results of the internal and external investigations.

Councilor Hartnett stated that it was an unfortunate incident in the New North End. Wayne Brunette was a classmate and friend of his. He was a good person from a good family. He has been in touch with the Mayor and he has been checking in with the family. The New North End Councilors have been in touch with the family and they want the process to play out. The City and the Mayor have done an outstanding job in reaching out. It was unfortunate and they are all awaiting the report because there are a lot of questions to be answered. He feels that the proper steps have been taken up until now and he hopes they continue to be taken.

City Council President Shannon congratulated the Mayor and his family on the addition to their family.

15. COMMUNICATION: Mayor Weinberger, re: General City Affairs (oral)(5 mins.)

Mayor Weinberger thanked the Council for the warm wishes. It has been an exciting time for his family.

When they last met, it was the night before they announced the addition of Allegiance Air Service and they are excited about that flight which will begin in February.

They held the Parking Summit and the keynote speaker made a remarkable presentation who made the subject of parking humorous and interesting. The Pension Summit also took place and was a productive start to an important long term conversation. They have already begun the work promised to the Council to create a process going forward. They will bring this process to the Council soon.

There was a Veteran's Day Ceremony in Battery Park. They also had a ceremony in Memorial Auditorium where the lost plaques that were found in the basement were unveiled. They are in the entryway of the Auditorium.

There is a Sweep Account Report in their packet, which is the new description for what used to be called the pooled cash report. They had a good discussion about this at the Board of Finance. This was an important step to regularize reporting to the full Council.

There is an event with UVM President Tom Sullivan tomorrow. It is an important event in the relationship between the City and UVM. He hopes there is strong attendance.

Tim Wise, an anti-racism author, will be speaking at Champlain College. He believes the event is sold out. He encouraged Councilors to attend.

16. COMMUNICATION: Eileen Blackwood, City Attorney and Bob Rusten, CAO, re: Potential litigation regarding a public records request (oral)

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On a motion by Councilors Bushor and Tracy the City Council went into executive session at 10:13 p.m. premature disclosure would place the City at a substantial disadvantage. Present were: see above. Councilor Decelles was not present.

* * * * **EXPECTED EXECUTIVE SESSION** * * * *

17. COMMUNICATION: Richard Haesler, Assistant City Attorney, re: Champlain Parkway-Pending Litigation (oral)

On a motion by Councilors Bushor and Mason the City Council went into executive session at 9:39 p.m. to discuss pending litigation. Premature disclosure would place the City at a substantial disadvantage. Present were: See above, Brian Dunkiel, Chapin Spencer, Peter Owens, and Richard Haesler. Councilor Decelles was not present.

* * * * **EXPECTED EXECUTIVE SESSION** * * * *

On a motion by Councilors Bushor and Siegel the City Council went out of executive session at 10:09 p.m.

On a motion by Councilors Bushor and Paul agenda item 17.5 was amended on the agenda.

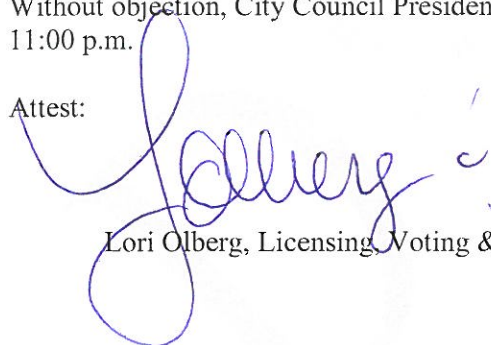

- 17.5. RESOLUTION: Settlement of Pending Litigation – Champlain Parkway
(Councilor Shannon)

Councilors Mason and Paul made a motion to waive the reading and adopt the resolution. The motion passed unanimously.

18. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Adjourned City Council Meeting at 11:00 p.m.

Attest:

Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary